

PROB 12C
(7/93)

United States District Court

for

District of New Jersey

Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Barry Turner

Docket Number: 04-00188-002

PACTS Number: 39048

Name of Sentencing Judicial Officer: Honorable Katharine S. Hayden
Senior United States District Judge

Date of Original Sentence: 05/18/2006

Original Offense: Conspiracy to Commit Extortion Under Color of Official Right

Original Sentence: 51 months imprisonment; 2 years supervised release; \$2,000 restitution; \$100 Special Assessment.

Type of Supervision: Supervised Release

Date Supervision Commenced: 07/30/09

Assistant U.S. Attorney: Sandra Moser, Esq., 970 Broad Street, Room 502 Newark, New Jersey 07102
(973) 645-2700

Defense Attorney: David Holman, Esq., 1002 Broad Street, Newark, New Jersey 07102 (973) 645-6347

PETITIONING THE COURT

- ☒ [X] To issue a warrant
☐ [] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number **Nature of Noncompliance**

1

The offender has violated the standard supervision condition which states 'You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.'

The offender tested positive for cocaine use on February 16, 2011; March 1, 2011; and March 8, 2011.

- 2 The offender has violated the standard supervision condition which states **'You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.'**

Given his continued cocaine use and his employment as a bus operator, it was recommended he take a leave of absence from his employment to focus on abstaining from further narcotics use. The offender refused.

- 3 The offender has violated the standard supervision condition which states **'You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.'**

When confronted as to his cocaine use, the offender denied use. Rather, he explained he was engaged in sexual intercourse with individuals who use illegal narcotics. As such, the offender associated with persons involved with or used illegal narcotics.

- 4 The offender has violated the special supervision condition which states **'LOCATION MONITORING PROGRAM (2 months) (Payment NOT waived)**

You are to participate in the Location Monitoring Program. You shall be confined to your residence for a period of 2 months commencing at the direction of the U.S. Probation Office. You shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. You shall wear a Location Monitoring device and follow all location monitoring procedures. You shall permit the Probation Officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. You shall comply with any other specific conditions of home confinement as the Court may require. You shall pay all the costs associated with the Location Monitoring Device. The U.S. Probation Office may use less restrictive location monitoring technology if the U.S. Probation Office determines that a less restrictive device is available and appropriate.'

The offender refused to be placed on home confinement, despite previously signing a Waiver of Modification agreeing to the same. The home confinement curfew was approved by the Court via a modification of conditions on February 23, 2011.

- 5 The offender has violated the standard supervision condition which states **'You shall not commit another federal, state, or local crime.'**

On November 10, 2010, the offender was arrested by the New York City Police Department and charged with Criminal Possession of a Weapon, 3rd Degree, a Class D Felony.

6 The offender has violated the mandatory supervision condition which states 'As a condition of supervision, you are instructed to pay restitution in the amount of \$2,000; it shall be paid at a rate of \$100 monthly.'

Since commencing supervised release on July 30, 2009, the offender has only paid \$500 towards the \$2,000 restitution obligation.

7 The offender has violated the standard supervision condition which states 'You shall not commit another federal, state, or local crime.'

On April 21, 2011, the defendant was arrested by the New York City Police Department and charged with Criminal Possession of a Controlled Substance, 3rd Degree (2 counts); Criminal Possession of a Controlled Substance, 4th Degree; Criminally Using Drug Paraphernalia, 2nd Degree; and, Possession of an Imitation Pistol .

I declare under penalty of perjury that the foregoing is true and correct.

By: Gisella M. Bassolino
U.S. Probation Officer
Date: 4/29/11

THE COURT ORDERS:

- ☒ The Issuance of a Warrant
☐ The Issuance of a Summons. Date of Hearing: _____
☐ No Action
☐ Other



Signature of Judicial Officer

4/29/11

Date